

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Vinodh Francis Pushparaj

Serial No.: 10/767,392 Examiner: Melvin C. Marcelo

Filed: January 28, 2004 Group Art Unit: 2416

Confirmation No.: 4759

For: PREDICTIVE, INTELLIGENT ROUTING OF CALLS TO USERS

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**REPLY BRIEF
UNDER 37 C.F.R. § 41.41**

Comments on the Examiner's Response to Argument

With respect to independent claims 1, 6, 20, and 22, the Examiner is misinterpreting the usage of the preference and probability in determining the device to which contact signals are sent. The preference in claim 1 is an associated of a contact device and a time slot. The probability is a probability of a user answering at each of multiple devices.

For support of multiple devices, the Examiner cited sections of Horvitz describing the manner in which a user is alerted. See Examiner's Answer, dated February 4, 2010 (referred to as "Examiner's Answer"), p. 19. Apparently, the Examiner is arguing that the "how" or manner selection is the determination of the device to which the contact signals are sent. The "how" or manner as described in Horvitz does not depend on either the preference or probability as recited in claim 1, as an example.

Preferences appear in multiple locations in Horvitz, none of which are used to determine a device to which contact signals are sent. In particular, Horvitz describes the user

profile 302 which is used in determining a probability distribution of a user's focus of attention. See Horvitz, col. 7, ll 4-6, 16-21. Thus, the user profile 302 preferences are combined into the probability cited by the Examiner (i.e. the probability in Horvitz, col. 7, ll. 16-26.) See Examiner's Answer, p. 20. (Note: additional user preferences of Horvitz apparently independent of the probability will be described below.)

Horvitz only describes using the focus of attention and the related probability in the notification decision-making module 206 for determining "when", not "how" or to which device, an alert is sent. For example, the attention focus F_j and the probability of the user being in the attention focus given evidence E^a results in the expected cost of alerting ECA. See Horvitz, col. 10, ll. 42-58. Eventually ECA is combined with the expected value of transmitting an alert EVTA into a net value of an alert NEVA, used to determine *if* or "when" an alert is sent. See Horvitz, col. 12, ll. 38-59.

Thus, the user profile 302 and the probability associated with the focus of attention are only used to determine "when", not "how" an alert is sent. Thus, the at least one of the devices to which the contact signal are sent does not depend on the probability or the user profile 302 of Horvitz.

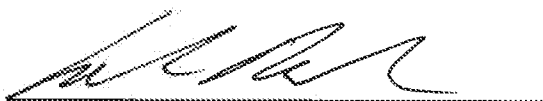
Horvitz does describe a user preference related to "how" an alert is transmitted. See Horvitz, col. 9, ll. 54-58. However, this preference is based on the information in the alert, not an association of a device and a time slot as recited in claim 1. See Horvitz, col. 9, ll. 54-57. Assuming for the sake of argument that the Examiner's interpretation of the knowledge of one skilled in the art is not based on impermissible hindsight, with the exception of this section, each usage of a preference or probability in Horvitz, including such teaching modified by the knowledge of one skilled in the art as described by the Examiner, relates to "when" an alert is transmitted, not "how".

Furthermore, the only section of Horvitz referencing different devices that is remotely related to a decision between devices explicitly uses a different technique of determining “how” to alert a user that does not use probability or user preferences. In particular, in Horvitz, the system checks to see if the user is at the desktop system before deciding on reaching a user by cell phone. See Horvitz, col. 13, ll. 43-46. That is, the decision is based on looking for the user, not on a user preference or a probability.

In other words, the features in Horvitz, including the features that the Examiner indicated would be changed by one skilled in the art, only modify “when” an alert is sent, not “how”. No disclosure of a decision “how” an alert is sent in Horvitz references or suggests to one skilled in the art determining to which device an alert is sent that is based on user preferences associating a device and a time slot or probability a user will answer at a device as recited in independent claims 1, 6, 20, and 22.

For the foregoing reasons, the Applicant respectfully requests that the Board reverse the Examiner’s rejections of the Applicant’s claims.

Respectfully submitted,
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